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CORP.

**FILED**

NOV 15 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SANTOS SALAS, an individual, and  
ANITA GUTIERREZ, an individual,

Plaintiffs,

v.

HILLTOP FINANCIAL MORTGAGE,  
INC., a California corporation, ENCORE  
CREDIT CORPORATION, a California  
corporation, and ABRAHAM KABA, an  
individual,  
Defendants.

CASE NO. C 04 1682 MHP

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME TO  
RESPOND TO THIRD AMENDED  
COMPLAINT**

Plaintiffs Santos Salas and Anita Gutierrez ("Plaintiffs") and Defendant Encore Credit Corp. ("Encore") through their respective attorneys of record, hereby STIPULATE AND AGREE as follows:

WHEREAS on April 1, 2005 the Court entered the Case Management and Pretrial Order for Jury Trial ("CMC Order"), ordering all parties to schedule private mediation; and

WHEREAS on or about July 20, 2005, the parties participated in a mediation (the "Mediation") through the Judicial Arbitration and Mediation Service ("JAMS") under the direction of the Hon. Walter P. Capaccioli (Ret.), and as the result of negotiations at the Mediation, the Plaintiffs and Encore agreed to full settlement (the "Settlement") of the Action

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STIPULATION TO EXTEND TIME FOR ENCORE TO RESPOND TO THIRD  
AMENDED COMPLAINT

1 against Encore only, and to the release and discharge, as against Encore only, of any and all  
2 claims and causes of action made in the Action and all causes of action arising out of the events  
3 or incidents referred to in the pleadings in the Action; and

4 WHEREAS, the Settlement contemplated that certain actions be taken and certain events  
5 occur before Encore is dismissed from the Action; and

6 WHEREAS, despite the diligence of Plaintiffs and Encore, some of the actions and events  
7 contemplated by the Settlement have yet to occur, but are still expected to occur within the next  
8 60 days; and

9 WHEREAS, Plaintiffs filed a Third Amended Complaint on or about October 11, 2005 in  
10 which Encore was still named as a Defendant; and

11 WHEREAS, Plaintiffs and Encore expect all of the actions and events contemplated by  
12 the Settlement will soon occur and a dismissal will be entered as to Encore, thereby rendering  
13 Encore's further participation in the Action unnecessary;

14 THEREFORE, the Plaintiffs and Defendant Encore respectfully request that the Court  
15 extend the time for Encore to respond to Plaintiffs' Third Amended Complaint until and including  
16 December 12, 2005.

17  
18 **IT IS SO STIPULATED**

19  
20 Dated: October 31, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

21  
22 By \_\_\_\_\_

23 DAVID BANIE  
24 Attorneys for Plaintiffs  
25 SANTOS SALAS and ANITA GUTIERREZ  
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1 Dated: October 31, 2005

2 PFEIFER & REYNOLDS, LLP

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4 By /S/ Michael R. Pfeifer

5 MICHAEL R. PFEIFER

6 Attorneys for Defendant

7 ENCORE CREDIT CORPORATION

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: 11/15/05

10   
11 HONORABLE ELIZABETH D. LAPORTE  
12 UNITED STATES DISTRICT COURT JUDGE  
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